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S.B. CIVIL MISC. APPEAL NO.1864/2006.

Smt. Suman Devi & Ors.
Vs.
The Oriental Insurance Company Limited & Ors.

Date of Order :: 12th February 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Sanjay Nahar, for the appellants.

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For awarding compensation to the dependents of 27 years old vehicular accident victim Bechulal Gupta, the Tribunal has not accepted the assertion of his salary income at Rs.3,000/- and over-time income at Rs.2,000/- per month while working with one M/s. Sangam Spinners; and has taken the same on the basis of salary certificate Ex.8 at Rs.2,106/- per month. Then, taking the round figure of Rs.2,110/- per month towards the income of the deceased and after deducting one-third on his personal expenditure, the Tribunal has estimated annual loss of dependency for the claimant-appellants at Rs.16,880/- and in view of the age of the deceased at 27 years has proceeded to apply maximum side multiplier of 18 to assess pecuniary loss at Rs.3,03,840/-; and while allowing Rs.20,000/- towards non-pecuniary loss and further Rs.5,000/- towards funeral expenses, has made the award of compensation in all in the sum of Rs.3,28,840/-.

Learned counsel appearing for the appellants seeking enhancement has emphasized for consideration of the amount of Rs.2,000/- earned by the victim in over-time. The submission is not well founded. It appears that no cogent corroborative documentary evidence was produced on record suggestive of such earning of Rs.2,000/- per month by the victim in over-time and his salary certificate Ex.8 taken into consideration by the Tribunal shows his earning at Rs.2,106/- per month. The statement of AW-1 Suman Devi does not show any other document regarding the income of the deceased having been produced. The Tribunal has proceeded to apply maximum side multiplier of 18 and the ultimate award made by the Tribunal in the sum of Rs.3,28,840/- cannot be said to be falling short of just compensation admissible in this case. The considerations adopted by the Tribunal in awarding compensation to the claimants in the present case cannot be said to be suffering from any error of law or facts so as to warrant interference in appeal.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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